



House of Representatives

General Assembly

File No. 286

February Session, 2012

House Bill No. 5148

House of Representatives, April 5, 2012

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

***AN ACT CONCERNING COMMUNICATIONS TO VICTIMS OF THE
CRIMINAL OPERATION OF A MOTOR VEHICLE THAT RESULTS IN
DEATH OR SERIOUS PHYSICAL INJURY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2012*) Any person convicted of
2 a motor vehicle offense that resulted in the death or serious physical
3 injury of another person may, prior to sentencing for the offense, make
4 a statement, affirmation, gesture or expression of apology, fault,
5 sympathy, commiseration, condolence, compassion or a general sense
6 of benevolence to the victim of such offense, a relative of the victim or
7 a representative of the victim. Such statement, affirmation, gesture or
8 expression shall be made before the court in a courtroom closed to the
9 public at a time set by the court. Such statement, affirmation, gesture
10 or expression shall be inadmissible as evidence of an admission of
11 liability or as evidence of an admission against interest in any civil or
12 criminal proceeding. For the purposes of this section, "serious physical
13 injury" has the same meaning as provided in section 53a-3 of the
14 general statutes.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2012</i>	New section
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JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes certain pre-sentencing statements and conduct made after a motor vehicle accident inadmissible in court and does not result in a fiscal impact

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 5148*****AN ACT CONCERNING COMMUNICATIONS TO VICTIMS OF THE CRIMINAL OPERATION OF A MOTOR VEHICLE THAT RESULTS IN DEATH OR SERIOUS PHYSICAL INJURY.*****SUMMARY:**

This bill makes certain pre-sentencing statements or other conduct by someone convicted of a motor vehicle offense that resulted in another's death or serious physical injury inadmissible as an admission of liability or an admission against interest in a civil or criminal proceeding. The bill applies to statements, affirmations, gestures, or expressions of apology, fault, sympathy, commiseration, condolence, compassion, or a general sense of benevolence, made to the victim or the victim's relative or representative.

The bill applies only to such statements or conduct made (1) after conviction but before sentencing and (2) before the court in a courtroom closed to the public, at a time the court sets.

"Serious physical injury" means physical injury that creates a substantial risk of death or causes serious (1) disfigurement, (2) impairment of health, or (3) loss or impairment of an organ's function.

EFFECTIVE DATE: October 1, 2012

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 42 Nay 0 (03/21/2012)